

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition
for Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition
for Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)

**ADMINISTRATIVE LAW JUDGE'S RULING AUTHORIZING
REPLY COMMENTS AND GRANTING MOTION TO FILE UNDER SEAL**

In Decision (D.) 05-12-047, the Commission addressed the Petition to Modify Decision 96-12-086, filed by Douglas F. Carlson, to eliminate the prefix "1" when making calls within a geographic area served by an overlay in California (the Petition). The Commission rejected the use of 10-digit dialing with respect to the 310/424 area code overlay, but granted parties the opportunity to supplement the record as to whether to modify the dialing pattern for any future overlays in California.

On January 17, 2006, parties filed concurrent comments, as solicited by D.05-12-047, regarding whether to adopt a statewide policy requiring only 10-digit dialing (and eliminating the requirement to dial "1" preceding the 10 digits) for calls within a geographic region where an area code overlay is implemented.

Need for Additional Proceedings

Those parties opposed to a 10-digit dialing requirement presented their position, arguing that the Commission should deny the requested modification. Those parties in favor of the proposed modification with respect to the 10-digit dialing requirement, however, argue that one round of concurrent comments is not sufficient for development of a complete record on pertinent issues. They propose that the Commission should provide for additional proceedings before issuing a decision.

Carlson filed comments seeking more time and a further opportunity for submitting an additional round of comments to reply to opposing parties' positions. Carlson also suggests that convening a technical conference may be useful.

The Telephone Connection of Los Angeles (TCLA) goes farther, and argues that for a full evidentiary record, the parties should be required to provide all relevant evidence necessary to support their claims. TCLA argues, for example, that SBC California (SBC) and Verizon should produce evidence augmenting their respective claims that technical impediments exist to the imposition of 10-digit dialing in California area code overlays. TCLA also argues that parties should have the opportunity to serve testimony and cross-examine witnesses in evidentiary hearings, if necessary. Thus, TCLA recommends that the Commission establish a procedural schedule to allow for reply comments, testimony, and evidentiary hearings, if necessary.

TCLA further argues that the Commission should provide public notice and collect information from public meetings throughout the state on the 10-digit dialing issue prior to ruling on the Petition, as was done when the Commission originally implemented the 310/424 area code overlay in 1997.

Discussion

Parties are hereby authorized to file an additional round of reply comments in order that opposing parties have an opportunity to address the merits of each others' arguments and claims, including both substantive and procedural proposals. After receipt of the reply comments, a determination will be made as to whether the existing record is adequate, or what, if any, additional procedural measures are necessary in order to form a basis to issue a decision on statewide policies regarding 10-digit dialing rules within an area code overlay region.

As a related matter, the County of Los Angeles (County) has filed a Petition to Modify D.05-12-047, and to suspend implementation of the 310/424 overlay. TCLA states that the issues raised by the County have a direct bearing on whether and in what fashion future overlays should be implemented in California. TCLA argues that the Commission should either address the County's Petition prior to addressing the 10-digit dialing issue, or consider both matters in conjunction. At this time, however, no prejudgment is made concerning the timing or sequencing of the disposition of the County's Petition in relation to consideration of statewide policies on 10-digit dialing.

Motion to File Confidential Materials Under Seal

Concurrent with the filing of comments on the 10-digit dialing issue, SBC filed a motion for leave to file under seal the proprietary and confidential portions of the Declaration of George E. Guerra in support of its comments. SBC states that the confidential materials contain commercially sensitive data, and that public disclosure of such data to competitors would place SBC in immediate danger of irreparable harm.

Good cause appearing, SBC's request to file the confidential materials under seal is hereby granted.

IT IS RULED that:

1. An additional round of reply comments is hereby solicited regarding both the substantive and procedural issues raised in parties' concurrent comments filed on January 17, 2006. The reply comments shall be due on February 10, 2006. After receipt of the reply round of comments, a determination will be made as to whether the existing record is adequate, or whether additional procedural measures are necessary to form a basis to issue a decision on the question of statewide policies regarding 10-digit dialing rules within an area code overlay region.

2. The motion of SBC California is hereby granted for leave to file under seal the confidential material attached to its motion, namely pages 3 to 5 of the Declaration of George E. Guerra, filed concurrently on January 17, 2006, in support of its comments.

Dated January 20, 2006 in San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on all parties of record in this proceeding or their attorneys of record.

Dated January 20, 2006, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.